

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Sims Metal Management  
2500 South Paulina Avenue  
Chicago, IL 60608

**ATTENTION:**

Debbie Flays  
Safety, Health, Environment and Community Relations Director

**Request to Provide Information Pursuant to the Clean Air Act**

The United States Environmental Protection Agency (EPA) is requiring Sims Metal Management (Sims or you) to submit certain information about your facility at 2500 South Paulina Avenue in Chicago, Illinois. Appendix B specifies the instructions needed to answer this information request. You may assert a claim of business confidentiality according to the requirements in Appendix A. You must send this information to us according to the schedule in Appendix C.

We are issuing this information request under Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Sims owns and operates emission sources at your Chicago, Illinois facility. We are requesting this information to determine whether your emission source is complying with the Clean Air Act.

You must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph and sentence when identifying the information subject to your claim. Appendix A specifies the assertion and substantiation requirements for business confidentiality claims. Sims must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, EPA requests that you provide all documents responsive to this request in an electronic format in accordance with a. through f., below. These submissions are in lieu of hard copy.

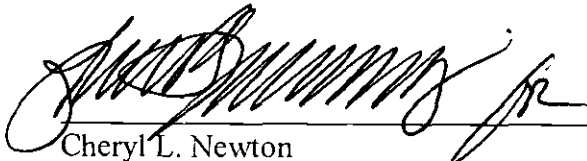
- a. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.

- b. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
- c. Provide these submissions on physical media such as compact disc, flash drive or other similar item.
- d. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
- e. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please also mark each page that is confidential business information as such.
- f. Certify that the attached files have been scanned for viruses and indicate what program was used.

Failure to comply fully with this request for information may subject Sims to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

You should direct any questions about this request for information to Monica Onyszko at 312-353-5139 or Kushal Som at 312-353-5792.

11/3/11  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

## Appendix A

### Confidential Business Information (CBI) Assertion and Substantiation Requirements

#### A. Assertion Requirements

You may assert a business confidentiality claim covering any part of the information requested in the attached letter, as provided in 40 C.F.R. § 2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a legend to indicate the intent to claim confidentiality. The stamped or typed legend or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by the United States Environmental Protection Agency (EPA) only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as “Personal Privacy Information” given that disclosure of such information to the general public may constitute an invasion of privacy.

#### B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208 which provides in part that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which,

under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation or operation constituting the source).

40 C.F.R. §§ 2.301 (a)(2)(i)(A), (B) and (C).

Emission data includes, but is not limited to, service records stating the amount of refrigerant added to a unit or reclaimed from a unit.

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

## **Appendix B**

When providing the information requested in Appendix C, use the following instructions and definitions.

### **INSTRUCTIONS**

1. Provide a separate narrative response to each question and subpart of a question set forth in the information request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

### **DEFINITIONS**

All terms used in this request for information will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. §§ 7401 et seq., 40 C.F.R. Part 52 (which incorporates the federally-approved State Implementation Plan), or other Clean Air Act implementing regulations. Reference is made to the EPA regulatory provisions only; however, you should apply the applicable federally-approved state provisions, when appropriate. Definitional clarification is specified below.

1. The terms “document” and “documents” shall mean any object that records, stores or presents information, and includes writings, memoranda, records or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. The term “Scrap Acceptance Agreement” shall mean the Agreement between Sims Metal Management and those parties who sell to it recyclable materials, and which governs each purchase of recyclable materials by Sims Metal Management from these sellers.

## Appendix C

The following information must be supplied in accordance with the foregoing Request for Information pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414. Sims Metal Management (Sims) must submit the following information for the facility at 2500 South Paulina Avenue in Chicago, Illinois (facility) within 30 days, unless otherwise specified below. "Days" in Appendix C refers to business days.

1. Provide the date (in month/day/year format) when the original 60 ton per hour maximum capacity shredder commenced construction.
2. Provide all nameplate maximum capacity values (tons/hour) for the shredder and the date (in month/day/year format) on which each respective shredder upgrade commenced construction from the original shredder to the present shredder.
3. Provide dates (in month/day/year format) on which maintenance, repair and/or upgrades were performed on the shredder since it commenced construction. Describe the maintenance, repair and/or upgrades that were performed, and include all documentation: such as internal memorandums, capital appropriation requests (or similar), engineering analyses, etc.
4. Provide the date (in month/day/year format) when the water suppression system on the current shredder at the facility was installed.
5. Provide dates (in month/day/year format) on which maintenance, repair and/or upgrades were performed on the water suppression system since it was installed. Describe the maintenance, repair and/or upgrades that were performed.
6. Provide a description of the "Smartwater" water suppression system, including the amount of gallons of water sprayed at different shredder motor amperages.
7. Provide the Annual Emission Reports submitted to the Illinois Environmental Protection Agency (IEPA) (or equivalent) for the shredder for the past three years.
8. Provide all calculations used to develop the Annual Emission Reports submitted to the IEPA (or equivalent) for the shredder for the past three years.
9. Provide the Title V applicability study performed by Continental Placer Inc. (CPI) that Sims uses in its emission calculations.
10. Provide monthly records of total shredder throughput (tons/month and tons/year) for the past three years. Provide this information in Lotus 1-2-3 or Microsoft Excel format.
11. Provide inventory codes for the items fed into the shredder and the amounts fed into the shredder (tons/month and tons/year) by inventory code for the past three years. Provide this information in Lotus 1-2-3 or Microsoft Excel format.



12. Provide amounts (tons/month and tons/year) of lead-bearing materials sent through the shredder for the past three years. Provide this information in Lotus 1-2-3 or Microsoft Excel format.
13. Provide the ages, if known, of the materials sent through the shredder.
14. Provide information/reports drafted after an inspection occurs at the Sims facility on an automobile received from a source with a used dealer's license (UDL), including, but not limited to, information regarding batteries, for the past three years.
15. Provide receipts for the refrigerant that is recovered by Sims and sent to a reclamation company for the past three years.
16. Provide verification contracts/statements from scrap suppliers for the past year.
17. Provide completed *Scrap Acceptance Agreements* from scrap suppliers that have entered into Purchase Contracts with Sims during the past year.
18. Provide all correspondence between Sims and the IEPA related to permits, permit applications, approval letters and applicability determinations for shredder production rate increases.
19. Provide information/records of citizen complaints that the Sims facility received or that city, county or state agencies received regarding the Sims facility for the past three years, including date of complaint, reason for complaint and corrective action taken.
20. Provide any visible emission readings performed at the facility in accordance with EPA Reference Method 9.
21. Within 65 days of the receipt of this request, Sims must perform the specified stack testing at the facility's shredder. Within 30 days after completion of those tests, Sims must submit the results of the stack tests for EPA review. Specifically, Sims must fulfill the requirements outlined below:
  - I. Quantify the mass emissions rates of the following pollutant in accordance with EPA reference methods or alternative methods approved by EPA:
    - A. Filterable and condensable particulate matter (e.g. using EPA Reference Methods 1-4, 5 and 202);
    - B. Volatile organic compounds reported as mass of propane (e.g. using EPA Reference Methods 1-4 and 25 or 25A); and
    - C. Metals (e.g. using EPA Reference Methods 1-4 and 29).

- II. During each test conducted for Item I, determine the opacity of emissions in accordance with EPA Reference Method 9.
- III. During the testing conducted for Items I and II, Sims shall operate their shredder under worst case conditions. Sims must concurrently fulfill the following requirements outlined below:
  - A. Capture emissions by meeting all the requirements for total enclosure in 40 C.F.R. Part 51, Appendix M, EPA Reference Method 204;
  - B. Input the shredder with raw materials containing worst-case emissions content; and
  - C. Operate the shredder at the highest achievable capacity for the type of material being processed.
- IV. Sims shall provide notification of the intent to test as required by Item I of this information request to EPA and IEPA no later than 35 days prior to testing. Notification shall include the scheduled testing date and a proposed testing protocol that completely describes the methods and procedures for testing. Sims shall conduct the testing under a protocol approved in advance by EPA. The protocol shall address the requirements of Item I of this information request.
- V. Sims shall submit a complete report of the emissions testing on its shredder, within 30 days of completion of the tests. The report shall include the following, at a minimum:
  - A. Summary of Results
    - 1. Results of the above described emission tests;
    - 2. Process and control equipment data related to determination of compliance;
    - 3. Discussion of test errors;
    - 4. Discussion of any and all deviations from the reference test methods; and
    - 5. Production rate.
  - B. Facility Operations
    - 1. Description of the process and control equipment of the shredder, with all related equipment; and
    - 2. Process and control equipment flow diagrams of the shredder, with all related equipment.
  - C. Sampling and Analytical Procedures
    - 1. Sampling port location(s) and dimensions of cross-section;
    - 2. Sampling point description, including labeling system;

3. Brief description of sampling procedures, including equipment and diagram;
4. Description of sampling procedures (planned and accidental) that deviated from any standard method;
5. Brief description of analytical procedures, including calibration;
6. Description of analytical procedures (planned or accidental) that deviated from any standard method; and
7. Quality control/ quality assurance procedures, tests and results.

D. Appendix

1. Complete results with example calculations;
2. Raw field data (original, not computer printouts);
3. Laboratory report, with signed chain-of-custody forms;
4. Calibration procedures and results;
5. Raw process and control equipment data, signed by plant representative;
6. Test log;
7. Project participants and titles; and
8. Related correspondence.

**CERTIFICATE OF MAILING**

I, Tracy Jamison, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Debbie Hays  
2500 South Paulina Avenue  
Chicago, IL 60608

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Ray Pilapil, Manager  
Bureau of Air  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

On the 7th day of November 2011.



Tracy Jamison  
Administrative Professional Assistant  
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7671 5058